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**Sent:** 1/30/2019 4:44:29 PM  
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**Subject:** News Articles (For EPA Distribution Only)

## BNA DAILY ENVIRONMENT REPORT ARTICLES

### Update to EPA's Chemical Data Collection Rule Under Review

By Pat Rizzuto

Posted Jan. 30, 2019, 9:31 AM

An EPA proposed rule to update information that chemical manufacturers must provide periodically is being reviewed by the White House, a critical step before the agency can proceed to get comment on its ideas.

### Wheeler Sidesteps Worker Safety Pledge on Deadly Solvent

By Pat Rizzuto

Posted Jan. 30, 2019, 9:00 AM

Acting EPA Administrator Andrew Wheeler has offered Congress no assurances that an anticipated agency rule will protect workers from the potentially deadly consequences of the paint-stripping solvent methylene chloride

### EU Moves to Ban Microplastics That End Up in the Environment

By Stephen Gardner

Posted Jan. 30, 2019, 8:47 AM

Fertilizer and fertilizer ingredient companies are in a race against the clock as the European Union moves on a draft rule on microplastics.

### **China Chemicals • States and Environmental Justice**

Posted Jan. 30, 2019, 7:39 AM

By Chuck McCutcheon

**CHINA AND CHEMICALS:** China is joining the list of countries seeking more stringent chemical regulations.

A draft regulation, if adopted, would have wide-ranging effects on environmental risk policies related to managing chemical substances.

Producers, manufacturers, and importers would have to report the identity, quantity, and uses of chemical substances annually. And they would have to report emissions data, local environmental impacts, and toxicology information for chemical substances on the list of priority chemicals.

“China is doing what it must do to manage new and existing chemicals to protect the environment and human health, just like the EU and Korea and many more,” said Liang Lynn, a regulatory analyst at chemicals consultancy ChemLinked in Hangzhou.

### **Other Stories We’re Covering**

- The Green New Deal, championed by freshman Rep. Alexandria Ocasio-Cortez (D-N.Y.) and other progressive lawmakers, isn’t generating political support among moderate Democrats or Republicans.

- Scientists with the Procter & Gamble Co. and Corteva AgriScience join the head of EPA’s chemical risk assessment program to discuss putting information about a chemical’s hazard in context by adding details on the exposure needed before some kind of harm could occur. The Toxicology Forum meeting typically features spirited scientific debates.
- The Public Policy Institute of California hosts a luncheon with California State Senate President pro Tem Toni Atkins to discuss the most pressing issues the legislature should tackle this year.
- The EPA pushed back on a news report that it wouldn’t set legal limits for per- and polyfluoroalkyl substances, also known as PFAS, blamed for contaminating drinking water. “EPA has not finalized or publicly issued its PFAS management plan, and any information that speculates what is included in the plan is premature,” David Ross, the agency’s assistant administrator for water, said in a statement. House Energy and Commerce Committee Democrats sent the agency a letter renewing a request from last year for information on actions taken by EPA political appointees to block the release of a chemical hazard study on PFAS.

### Quote of the Day

“Like it or not, EPA is given authority of state water quality standards. States can submit it, EPA can knock it down.”  
—U.S. Court of Appeals Judge J. Harvie Wilkinson III, appearing to throw cold water on Charleston, W.Va.’s argument that the EPA erred when it refused to relax West Virginia’s copper limits.

### All About: States Address Environmental Justice

A recent executive order by Virginia Gov. Ralph Northam (D) extending the commonwealth’s efforts to address environmental justice is the latest action in what has become a growing area of focus by states.

Northam reconstituted an environmental justice advisory council Jan. 22 that had been created near the end of his predecessor Terry McAuliffe’s (D) term.

Several states, including Massachusetts and Pennsylvania, have moved to hire environmental justice directors within their executive branches in recent years to give the issue a higher priority, said Jeremy Orr, national state program director for the People’s Climate Movement in Michigan.

Other states also are devoting more emphasis to addressing racial and economic disparities on environmental matters.

California Attorney General Xavier Becerra (D) last year set up a dedicated bureau on the subject within his office’s environment section, and New Jersey Attorney General Gurbir Grewal (D) also announced last year he would hire more prosecutors to sue polluters accused of targeting low-income and minority areas.

New Jersey’s Department of Environmental Protection also has scheduled three upcoming public listening sessions on how to make environmental justice a priority across state agencies.

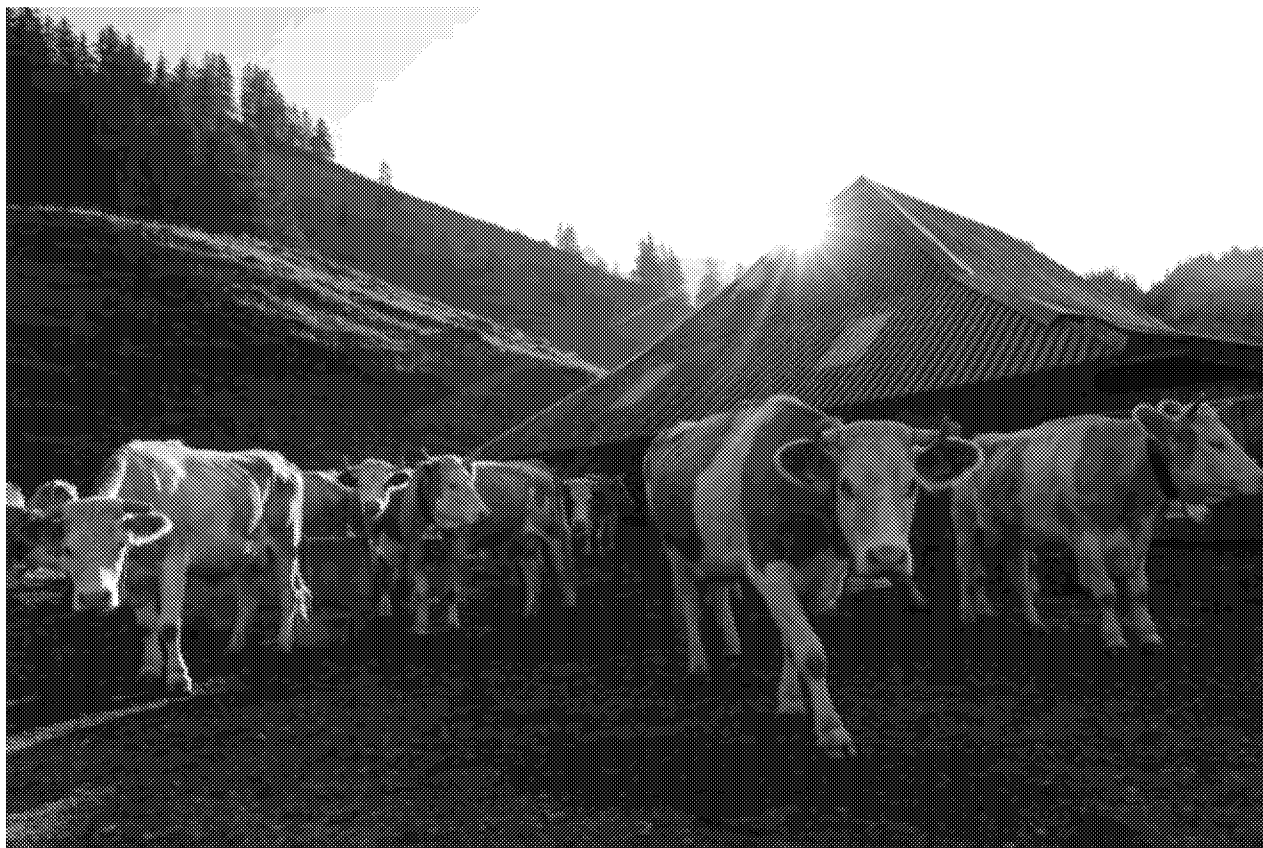
Northam’s decision on the environmental justice council came in the wake of a state panel’s approval of a controversial compressor station proposed by Dominion, Duke, and Southern Co. as part of the Atlantic Coast Pipeline.

The Virginia Air Pollution Control Board voted Jan. 8 to grant an air permit for the station being built in historic Union Hill, which is about 85 percent African-American and was founded by the descendants of freed slaves. Environmental justice advocates criticized the air pollution board’s action.

State officials said the environmental justice council's legal authority had expired, and its members have been invited to apply to serve on the new body along with other members of the public. The state is accepting applications through Feb. 28.

"The Commonwealth requires a consistent, action-oriented approach to incorporating environmental justice into decision-making," Northam said in the order. —*Andrew M. Ballard*

### Around the Web



Cattle graze near Grindelwald, Switzerland, in August, 2018.

Photographer: Stefan Wermuth/Bloomberg via Getty Images

- Restoring pastures can significantly curb emissions from cattle urine, which produces nitrous oxide, a potent greenhouse gas.
- A Pennsylvania mine fire that has been burning since at least 2012 is the subject of a public information session tonight.
- Governments—along with chemical and pesticide manufacturers—save an estimated \$353 million and kill at least 33,000 fewer laboratory animals annually due to testing protocols and policies developed by the Organization for Economic Cooperation and Development, the organization says.
- The chairman of the House's infrastructure panel, and the head of its environment subcommittee, want acting EPA Administrator Andrew Wheeler to tell them about the impacts of the recent shutdown.

### Today's Events

- **All Day • Nuclear** • Nuclear Energy Institute [holds workshop](#) on risk-informed application licensing and implementation.
- **8:30 a.m. • Clean Energy** • Northeast Clean Energy Council [sponsors talk](#) in Boston on clean energy featuring executives from National Grid and Schneider Electric.
- **6 p.m. • Persian Gulf** • Columbia University's energy policy center [holds book launch](#) in Washington, D.C., for "Energy Kingdoms: Oil and Political Survival in the Persian Gulf."

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### China Floats Plan for Chemical Management, Like Europe's

By Michael Standaert

Posted Jan. 30, 2019, 4:00 AM

A proposed chemical regulation could impose additional requirements for companies that manufacture, process, use, import, or export new and existing chemical substances into China.

### Hidden Sterigenics Chemical Cancer Assessment Worries Democrats (1)

By Amena H. Saiyid

Posted Jan. 29, 2019, 4:10 PM Updated Jan. 29, 2019, 4:19 PM

The EPA's latest assessment of a carcinogenic medical sterilizer causing concerns outside Chicago is tucked in an unrelated agency rule, which could keep people affected by the chemical from commenting on it, Illinois lawmakers warned.

### Formaldehyde Makers Prepare in Case EPA Reviews the Chemical (2)

By Pat Rizzuto

Posted Jan. 29, 2019, 1:51 PM Updated Jan. 29, 2019, 4:27 PM

Formaldehyde producers are being invited by the American Chemistry Council to discuss on Feb. 20 the possibility that the EPA may select that chemical to review this year.

**INSIDEEPA.COM ARTICLES**

## EPA Faces New Backlog Of Chemical Applications After Shutdown Ends

EPA's chemical office staff are returning to work following the weeks-long government shutdown facing a new backlog of applications for new chemical approvals and limited time to meet statutory deadlines for assessing risks of existing chemicals, sources say.

## EPA's Draft PV29 Analysis Raises Legal Test Over TSCA Data Standards

Environmentalists and former EPA staff are raising multiple concerns that the agency's recently released draft assessment of pigment violet 29 (PV29), the first such assessment released since Congress reformed the Toxic Substances Control Act (TSCA), violates that statute, signaling they plan to sue if the agency does not change it.

### GREENWIRE ARTICLES

#### **What happens if the government shuts down again?**

Jeremy P. Jacobs and Kevin Bogardus, E&E News reporters Published: Tuesday, January 29, 2019



Federal workers protested the partial government shutdown earlier this month in the Hart Senate Office Building. Niina Heikkinen/E&E News

As federal workers return to work this week, a question lingers in hallways, around water coolers and throughout union offices: What do we do if this happens again?

"I consider another shutdown a distinct possibility," said Mark Sims, president of the EPA Unit Engineers and Scientists of California Local 20 of the International Federation of Professional and Technical Engineers, which represents Region 9 employees.

President Trump's surprise agreement with congressional Democrats on Friday reopened the government after a historic 35-day partial shutdown.

But funding lasts for only three weeks — through Feb. 15 — and another standoff over Trump's \$5.7 billion border wall request could easily result in another shutdown.

Acting White House chief of staff Mick Mulvaney indicated as much on CBS's "Face the Nation" on Sunday.

<https://www.eenews.net/greenwire/2019/01/29/stories/1060118885>

### **With snow forecast, agencies to close early**

Kevin Bogardus, E&E News reporter

Published: Tuesday, January 29, 2019



Snow blankets the sidewalks outside the E. Barrett Prettyman Court House in Washington, D.C., earlier this month. Ellen M. Gilmer/E&E News

Federal agencies will close early today as snow is expected to fall this afternoon during rush hour.

The Office of Personnel Management sent an alert this morning that federal offices in the Washington area have been authorized for "early departure."

That means federal employees should leave work two hours earlier than they normally do. They can also request unscheduled leave to head out from work before their planned departure times.

Up to 3 inches of snow could accumulate through the evening, and as temperatures drop, roads are expected to turn icy and difficult to drive on.

The federal government has already had one snow day this year. The winter's first big snowstorm hit earlier this month, closing several agencies that had already been shuttered during the partial government shutdown (*Greenwire*, Jan. 14).

<https://www.eenews.net/greenwire/2019/01/29/stories/1060118891>

## Enviros press EPA for deeper scrutiny of 2 toxics

Cecelia Smith-Schoenwalder, E&E News reporter

Published: Tuesday, January 29, 2019



Environmentalists aren't happy with EPA's draft assessments of GenX and PFBS. Steve Johnson/Flickr

EPA must take a more careful look at two toxic chemicals that can be persistent in the environment, advocacy groups said.

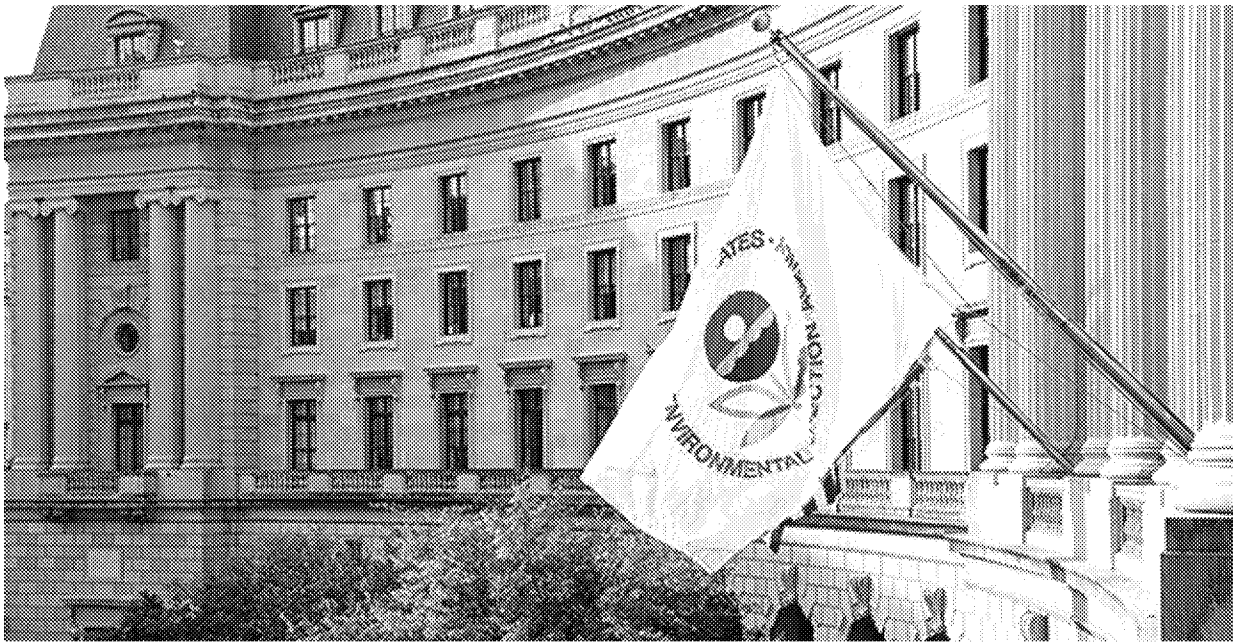
Hexafluoropropylene oxide, or GenX, and perfluorobutane sulfonic acid, or PFBS, are man-made chemicals that fall under the large category of per- and polyfluorinated alkyl substances known as PFAS, which are used in nonstick cookware, grease-proof food packaging and stain-resistant textiles.

EPA's draft risk assessments for GenX and PFBS in November found the liver is particularly sensitive to GenX, and the thyroid and kidney are sensitive to PFBS.

<https://www.eenews.net/greenwire/2019/01/29/stories/1060118883>

## Senate Dems reintroduce bill targeting special hires

Kevin Bogardus, E&E News reporter



U.S. EPA headquarters in Washington. EPA/Flickr

Senate Democrats have offered legislation again that would shed light on hires of political appointees at EPA.

Former EPA Administrator Scott Pruitt and his aides' use of a special hiring authority under the Safe Drinking Water Act to bring on new officials as well as give substantial pay raises attracted controversy last year and is still subject to an internal review at the agency.

Sens. Tammy Duckworth (D-Ill.) and Tom Carper (D-Del.) have introduced S. 233, the "EPA Special Hiring Authority Transparency Act," which would require the agency to notify Congress of any hires under the authority within 30 days.

Also under the bill, EPA would have to disclose the name, title, salary and justification for why that hire was made to carry out the Safe Drinking Water Act. The special hires are known as "administratively determined," or AD, positions at the agency.

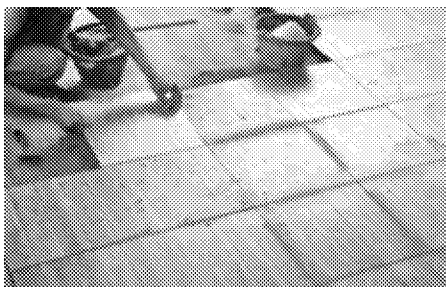
<https://www.eenews.net/greenwire/2019/01/29/stories/1060118893>

## CHEMICAL WATCH ARTICLES

### **Canadian draft assessment finds three ketone solvents harmful to health**

MEK, MIBK and 2,4-PD used in various consumer products

29 January 2019 / Canada, Environmental Protection Act, Risk assessment, Solvents



Ketone solvents MEK, MIBK and 2,4-PD are harmful to human health, according to a draft assessment by the Canadian government.

In addition to many industrial applications, the chemicals are used in consumer products, such as paints, coatings, adhesives, food flavouring agents, cosmetics and biocides.

The draft screening assessment, published on 19 January, concludes that they meet at least one of the criteria of section 64 of the Canadian Environmental Protection Act (Cepa).

If the final assessment, expected in January 2020, confirms the conclusion, the government would be obliged under Cepa to take risk management measures against the chemicals.

### **MEK**

Animal studies suggest that MEK (methyl ethyl ketone or 2-butanone) may cause developmental effects. The assessment focused on these for determination of risk values, using exposure scenarios for a range of consumer products. It found that the risk could be too high for consumer use of lacquer remover, adhesive remover, paint thinner, liquid paint or spray paint containing the chemical.

### **MIBK**

MIBK (methyl isobutyl ketone MIBK or 4-methyl-2-pentanone) has a category 2 carcinogenicity – "possibly carcinogenic to humans" – classification under the International Agency for Research on Cancer's (Iarc's) system. Additionally, animal studies suggest that the compound may cause various non-cancer effects, namely liver, kidney and developmental effects. The assessment focused on the non-cancer effects for determination of risk values and found that the risk could be too high for consumer use of wood lacquer, liquid paint or spray paint containing the chemical.

### **2,4-PD**

Animal studies suggest that 2,4-PD (2,4-pentanedione) may cause systemic and developmental effects, on which the assessment focused for determination of risk values. The assessment found that the risk could be too high for consumer use of floor coating products containing the chemical.

### **Next steps**

MEK, MIBK and 2,4-PD were evaluated as part of a group of ten ketones. The draft screening assessment concludes that none of the other seven are harmful at current levels of exposure. Additionally, none of the ten chemicals are harmful to the environment, it says.

Also on 19 Jan, the government published its risk management scope for MEK, MIBK and 2,4-PD and launched a 60-day public consultation on the documents, which ends on 20 March.



Andrew Turley

Science editor, Chemical Watch

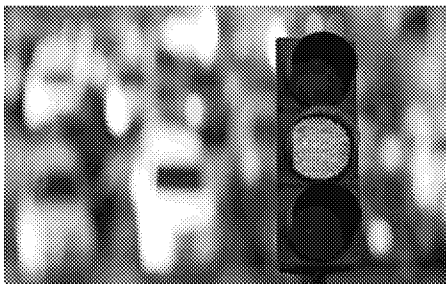
**Further Information:**

- [Draft screening assessment](#)
- [Risk management scope](#)
- [Canada Gazette notice](#)

**Temporary end to US shutdown leaves uncertainty at EPA**

Agency reopens but priorities for 'heavy workload' unclear

29 January 2019 / TSCA, United States



The US EPA has reopened and will be funded at 2018 levels until 15 February. The development comes after President Trump signed a continuing resolution on 25 January that has ended the partial government shutdown for the time being.

It is unclear whether the EPA will remain open once this expires, however, because the initial cause of the shutdown – the funding of a wall at the Mexican border – remains unresolved.

The EPA's toxics office (OCSPP) has been reduced to the bare minimum since it closed a week after the shutdown began. This has effectively halted TSCA programme activities for the last 28 days.

With the reopening of the government, lawyers with knowledge of the amended law predict that it will focus on statutory deadlines, such as those for the release of the nine remaining draft risk evaluations. These are due in December, but with mandatory processes, such as peer review and public comments, that must be completed before then.

Additionally, new chemicals' pre-manufacturing notice (PMNs) reviews must happen within 90 days of submission, though industry is assuming that the weeks when the EPA was shuttered will not count toward those deadlines.

It is not clear what the end of the shutdown will mean for other aspects of the TSCA programme that are not running on such a tight clock. For instance, EPA Acting Administrator Andrew Wheeler made certain [transparency commitments](#) to Congress in December. But legal experts have told Chemical Watch it is unlikely the agency will prioritise such activities given other statutory deadlines.

In a statement to Chemical Watch, the American Chemistry Council (ACC), which represents the US chemical industry, emphasised the EPA's "heavy workload, especially for TSCA implementation", in the wake of the shutdown.

"It is important for the agency to be fully funded and resourced to help ensure TSCA is effectively and efficiently implemented as Congress envisioned," it said.

The EPA has not responded to a request for comment on its post-shutdown priorities.



[Lisa Martine Jenkins](#)

Americas reporter

### Related Articles

- [US EPA to keep running temporarily despite government shutdown](#)
- [Shutdown-related delays could compromise TSCA statutory deadlines](#)
- [Shutdown spells further delays to TSCA new chemicals reviews](#)
- [EPA promises changes to TSCA new chemicals transparency, CBI](#)

### NGO preparing analysis of science-policy interface for Saicm

29 January 2019 / Academic studies, Global

NGO the International Panel on Chemical Pollution (IPCP) is preparing a "mapping and gap analysis" document for "strengthening the science-policy interface in international chemicals governance".

Once finalised, the document will be submitted to the third meeting of the open-ended working group (OEWG) of the International Conference on Chemicals Management on 2-4 April.

The OEWG is responsible for the implementation, development and enhancement of the Strategic Approach to International Chemicals Management (Saicm), a policy framework to promote chemical safety around the world.

A draft version of the mapping and gap analysis was discussed at a workshop that the IPCP ran in November last year in Geneva. Experts attended from:

- ten intergovernmental organisations;

- 14 national or regional governments; and
- six international NGOs representing academia, the chemicals industry and civil society.

The purpose of the workshop was to "support the ongoing dialogue on strengthening the current science-policy interface in international chemicals governance by reviewing the status quo, identifying gaps, and discussing needs and possible actions".

Prior to this, the IPCP put forward three options:

- the establishment of an "IPCC/IPBES [Intergovernmental Panel on Climate Change/Intergovernmental science-policy Platform on Biodiversity and Ecosystem Services]-like" panel;
- the establishment of a network of networks; and
- an expansion of the activities of the organisations of the Inter-Organization Programme for the Sound Management of Chemicals (IOMC)

These were discussed at the workshop, alongside two further options:

- a hybrid of 1 and 2, comprising a network of networks "institutionalised with an intergovernmental nature"; or
- a hybrid of 2 and 3.

According to the report, attendees felt that option 1 offered a global overview, a comprehensive perspective, early warning capabilities and high credibility. However, they expressed concerns about the financial costs.

Attendees felt that option 2 offered flexibility and agility, but the effort required for logistics would need to be minimised for it to be feasible.

The IPCP is revising the mapping and gap analysis in the light of comments provided before, during and after the workshop.

#### **Further Information:**

- [Workshop report](#)

#### **Members of US Congress launch PFAS action taskforce**

Bipartisan group will draft legislation and push for funding

30 January 2019 / POPs, United States



A bipartisan group of legislators in the US House of Representatives has launched a taskforce focused on the management of per- and polyfluoroalkyl substances (PFAS).

Representatives Dan Kildee (D-Michigan) and Brian Fitzpatrick (R-Pennsylvania) are leading the group, citing the impact of PFAS contamination on their own communities.

"Hundreds of communities are already affected by this growing public health threat and Congress must do more to address PFAS contamination," said Representative Kildee in a statement, which outlines the taskforce's plans to "advocate for policies and funding to better protect the communities we represent [that are] impacted."

The group will focus on managing the substances by drafting legislation and pushing for more funding through the federal appropriations process. It also plans to hold events to educate other members of Congress and meet with relevant committees and congressional leadership.

Federal legislators are paying more attention to PFAS chemicals – particularly older, long-chain chemistries – due to mounting concerns about environmental contamination and their potential impact on human health.

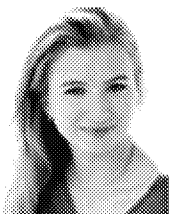
Last year, the EPA said it would release a federal management plan for the substance in the autumn, but it has not yet done so. Acting Administrator Andrew Wheeler said at a recent hearing that it would be published shortly, but is not likely to include drinking water limits.

The EPA, however, has issued a statement saying that it "has not finalised or publicly issued its PFAS management plan, and any information that speculates what is included in the plan is premature." The draft plan, it added, is undergoing interagency review.

Nevertheless, Representative Fitzpatrick has pushed for urgent change, saying in a statement that "action must be immediately taken on a federal level."

"The establishment of the PFAS taskforce will put the issue of clean drinking water front and centre in Washington, DC, which is a critical step in the right direction to protecting the American people from exposure to these harmful chemicals," he said.

The NGO Environmental Working Group (EWG) applauded the effort, emphasising the importance of an approach that "transcends partisan politics".



Lisa Martine Jenkins

Americas reporter

## Related Articles

- [FEATURE: PFAS - time for action](#)
- [Pruitt pledges EPA action on legacy PFASs](#)
- [PFAS management plan expected from US EPA in 'very near future'](#)

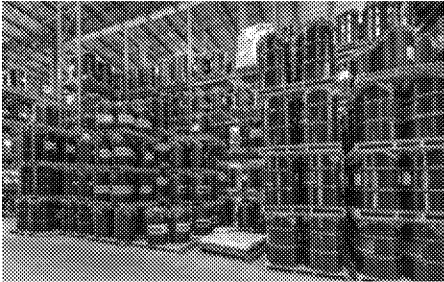
## Further Information:

- [Statement from Rep. Kildee](#)
- [EPA statement](#)

## Global trends are major cause for concern, says UN chemicals report

Summary issues call to action ahead of major international environment meeting

30 January 2019 / Global, Voluntary action



Global trends are a "major cause for concern" in achieving sound chemicals management and actions to address the adverse affects of substances that are not properly managed are "urgently needed", according to a major UN report.

Ahead of releasing the second Global Chemicals Outlook (GCO-II) [report](#) in March, UN Environment has published a summary of its findings for policy makers. It includes ten actions aimed at progressing the sound management of chemicals globally (see box).

The summary report highlights megatrends, such as global economic and population growth, as areas that are affecting market demand for chemicals, creating both risks and opportunities.

And, it says, the expected doubling of the global chemicals market between 2017 and 2030 will "increase exposures, concentrations and adverse health and environmental impacts", if the sound management of chemicals and waste is not achieved worldwide.

"Many manufactured chemicals have helped improve human health, food security, productivity and quality of life throughout the world," the summary says.

However, many with hazardous properties "continue to cause significant adverse impacts on human health and the environment because they are not properly managed".

'Business as usual is not an option,' GCO-II summary for policy makers

Some of the challenges it highlights are hazardous chemicals used in products, complex supply chains, polluting manufacturing operations and a lack of capacity in developing countries to effectively implement basic chemicals and waste management systems.

"Business as usual is therefore not an option," it says.

Solutions exist, the report adds, but "more ambitious, urgent and worldwide action is needed by all stakeholders."

## Global framework

The summary says findings of the GCO-II "indicate that the sound management of chemicals and waste will not be achieved by 2020, despite global agreement reached at several high-level UN conferences, and significant action already taken".

The 2020 goal was set out in 2006 under the UN's global voluntary chemicals programme, the Strategic Approach to International Chemicals Management (Saicm).

And with Saicm's mandate coming to an end next year, programme stakeholders are finalising discussions – known as the intersessional process – on whether it should continue beyond its 2020 mandate, or be replaced with an alternative framework.

An "aspirational and comprehensive" global framework is required, the summary says, and must "create incentives to foster commitment and engagement by all relevant actors in the value chain".

Several ideas for a post-2020 framework have been put forward. Last year, ministers and vice ministers from eight countries formed an alliance, which supports the adoption of something similar to the Paris Agreement on climate change for chemicals.

The GCO-II was mandated by the second UN Environment Assembly (Unea-2) in 2015, with a particular emphasis on areas where data was found to be lacking, or inadequate, and to assess progress towards Saicm's 2020 goal. The second edition is on the agenda of Unea-4, which is taking place in March in Nairobi.

Achim Halpaap, principal officer and senior adviser of UN Environment's chemicals and health branch, told Chemical Watch the summary seeks to inform delegates participating in the upcoming Unea-4 session and in other relevant processes, such as the beyond 2020 discussion.

It aims to help them "consider progress made in implementing the [Saicm] 2020 goal, as well as the identified options on the implementation of further action to achieve the sound management of chemicals and waste worldwide," he said.

The first report, published in 2013, examined trends in worldwide chemicals production, use, disposal, and provided policy options.

#### **Ten actions identified to achieve the sound management of chemicals globally**

- **Develop effective management systems:** Address prevailing capacity gaps across countries, strengthen national and regional legislation using a lifecycle approach, and further strengthen institutions and programmes
- **Mobilise resources:** Scale up adequate resources and innovative financing for effective legislation, implementation and enforcement, particularly in developing countries and economies in transition
- **Assess and communicate hazards:** Fill global data and knowledge gaps, and enhance international collaboration to advance chemical hazard assessments, classifications and communication
- **Assess and manage risks:** Refine and share chemical risk assessment and risk management approaches globally to promote safe and sustainable use of chemicals throughout their lifecycle
- **Use lifecycle approaches:** Advance widespread implementation of sustainable supply chain management, full material disclosure, transparency and sustainable product design
- **Strengthen corporate governance:** Enable and strengthen chemicals and waste management aspects of corporate sustainability policies, sustainable business models, and reporting

- **Educate and innovate:** Integrate green and sustainable chemistry in education, research and innovation policies and programmes
- **Foster transparency:** Empower workers, consumers and citizens to protect themselves and the environment
- **Bring knowledge to decision makers:** Strengthen the science-policy interface and use of science in monitoring progress, priority setting and policy making throughout the lifecycle of chemicals and waste
- **Enhance global commitment:** Establish an ambitious and comprehensive global framework for chemicals and waste beyond 2020, scale up collaborative action and track progress



Leigh Stringer

Global Business Editor

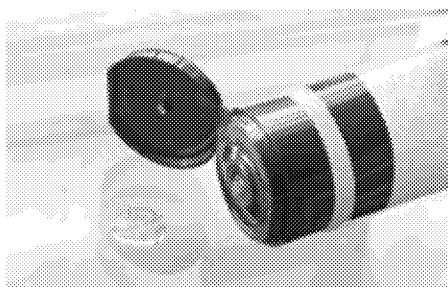
### Related Articles

- [UN experts draw closer on second Global Chemicals Outlook](#)
- [Headway made on a post-2020 global chemicals framework](#)
- [Ministerial alliance seeks 'Paris Agreement' for chemicals and waste](#)

### Echa outlines proposed microplastics restriction measures

Transitional arrangements proposed for some detergents, cosmetics

30 January 2019 / Alternatives assessment & substitution, Europe, Microplastics, REACH



Echa has published its restriction [proposal](#) for microplastics, which includes three types of measures.

A year ago the European Commission asked the agency to prepare the REACH Annex XV restriction dossier on the use of intentionally added microplastic particles in all consumer and professional use products.

The request is part of the EU plastics strategy. This sets out measures to reduce use of microplastics, defined as pieces of plastic less than 5mm in diameter.

The proposed restriction comprises three types of action. These are:

- restriction on the placing on the market of microplastics on their own or in mixtures, where their use will inevitably result in release to the environment, irrespective of conditions of use;
- labelling requirement to minimise release to the environment for uses of microplastics where release is not inevitable but where residual releases could occur if they are not used or disposed of appropriately; and
- reporting requirement to improve quality of information available to assess potential future risks.

Intentionally added microplastics are most likely to accumulate in terrestrial environments, because the particles concentrate in sewage sludge that is frequently applied as fertiliser, the agency said. A "much smaller proportion" is released directly to the aquatic environment.

"Once released, they can be extremely persistent in the environment, lasting thousands of years, and practically impossible to remove," Echa added. "Currently it is not possible to determine the impact of such long-term exposure on the environment."

According to the agency, if adopted, the restriction could result in a reduction in microplastics emissions of about 400,000 tonnes over 20 years.

### **Transitional arrangements**

The restriction proposal's scope covers a wide range of uses in consumer and professional products in multiple sectors. Echa has proposed specific transitional arrangements for some sectors and provided justifications for them.

Companies manufacturing detergents, waxes and polishes containing microplastics, other than microbeads, will have five years to substitute them. But detergents and maintenance products using microbeads are excluded because industry is expected to be able to phase out their use as an abrasive by 2020.

Similarly no arrangements have been suggested for microbeads contained in rinse-off cosmetics products (that is, microplastic with an exfoliating or cleansing function) because of the voluntary phase out.

However, arrangements will be in place for other rinse-off and leave-on cosmetic products, with four- and six-year transitional periods respectively. This is "based on the similarity to the cost effectiveness of previous restrictions for substances with similar concerns", the agency said.

Other sectors in scope include various products used in medical devices and *in vitro* diagnostic medical devices and in the oil and gas industry.

### **NGO reaction**

NGO alliance Rethink Plastics welcomed the move as a "significant step forward", but said that the proposal grants "unnecessary delays" for most industrial sectors and excludes some biodegradable polymers.

Elise Vitali from the European Environmental Bureau, part of the NGO alliance, said the microplastic problem was "fed by irresponsible firms, such as those making personal care products that decided to swap out natural ingredients".

The alliance, she added, will be "pushing hard to tighten this proposal to ensure real impact".

And Ninja Reineke from CHEM Trust while supporting the proposal said the transitional periods "are far too long and fail to address the urgent need to turn the tap off now".

## Next steps

The restriction proposal will now be subject to a conformity check by Echa's scientific committees during the March plenaries. If it is passed, a public consultation on the dossier will start later that month.

Echa's Committees for Risk Assessment and Socio-economic Analysis (Rac and Seac) will then begin deliberations and provide scientific opinions on the proposal. These are expected to be sent to the Commission for decision making at the beginning of 2020.

Several EU member states have already introduced, or are introducing, bans on the use of microplastics in certain types of products, largely concerning wash-off cosmetic products – namely [Denmark](#), [France](#), [Italy](#), [Sweden](#) and [the UK](#).



[Luke Buxton](#)

EMEA desk editor

## Related Articles

- [EU prepares comprehensive microplastics restriction](#)
- [Intentional microplastics are primarily a soil and freshwater problem, Echa finds](#)
- [Oil and gas industry challenges EU estimate on microplastics use](#)
- [Denmark to impose temporary ban on microplastics in cosmetics](#)
- [Sweden adopts microbeads ban in rinse-off cosmetics](#)
- [UK microbeads ban enters into force](#)

## Further Information:

- [Echa press release](#)
- [Restriction proposal report](#)
- [NGO press release](#)

## EU Pic chemicals trade may be hit by 'no-deal' Brexit disruption

35-day notification rule potential problem for UK, EU27 exports

30 January 2019 / Europe, Pic Regulation, Substances of concern, UK



A requirement under the EU prior informed consent (Pic) Regulation to notify authorities more than a month before hazardous substances can be exported, has emerged as the latest major hurdle to chemicals trade in no-deal Brexit scenario.

Under the Regulation exporters in member states are obliged to notify their national authorities 35 days prior to shipping hazardous chemicals listed in Annex I, mostly to non-EU developing countries.

These chemicals are banned, or severely restricted, in the EU, but can be exported to other regions or traded internally within the EU, provided that certain conditions are met. In 2017, Echa received export notifications for nearly 830,000 tonnes of Annex I chemicals, according to its latest annual [report](#).

For Pic exports to continue seamlessly in a no-deal scenario, shipments to and from the UK intended after 29 March would need to be notified by 24 February at the latest. And Britain would have to implement its own Pic legislation within two weeks.

Britain issued no-deal Pic [guidance](#) in October, with [more](#) issued on 23 January. It envisages establishing an independent standalone regime to ensure Britain can continue to meet its international obligations under the Rotterdam Convention.

Yet concerns are growing in industry and within Echa that if Britain leaves without a deal, Pic exports will suffer a hit, not just from the UK to EU27 and non-EU countries, but also from EU27 into the UK. And Echa's ePic notification platform would need to be amended to include Britain as a non-EU country.

The degree of potential disruption is not known, because Echa does not provide a breakdown of individual countries' Pic exports due to confidentiality reasons.

### **35-day rule**

Echa said the 35-day rule "is a concern". The agency has flagged the issue with the European Commission and hopes to have an answer "soon".

"Every measure possible will be taken in order to ensure companies in [the] EU27 will not be penalised as a result of [the UK's] late decision on Brexit," Mercedes Vinas, head of Echa's submission and processing unit, told Chemical Watch.

She added that she is "not able to say" if that means "waiving the 35-day rule or reducing it". Echa has made plans to amend its Pic submission tool for a no-deal scenario but will wait for a decision on Brexit "to go live", she said.

The Commission did not immediately respond to Chemical Watch's queries.

Waiving the 35-day rule at the EU end would help exporters into the UK for chemicals in Part 1 of Annex I that only need a prior notification. However, for about 50% of exports – concerning chemicals in Part 2 of Annex I – an additional explicit consent is required from a UK authority.

In the worst-case scenario, Ms Vinas said, if the UK is not ready with its own legislation, at least 50% of EU27 exports into Britain "would take place anyway". But if the explicit consent of the UK authority is required "there may be some disruption".

Currently there are 196 chemicals in Part 1 and 95 in Part 2 of Annex I, Echa figures show.

### **Industry concerns**

Cefic also said it was "concerned" about the situation. "We are awaiting the publication of a new set of preparedness notes [from] the European Commission to see whether we need to draw their attention to these problems," a spokesperson said.

But given the Pic notification timeline, they added, "it seems impossible to continue exports of materials subject to EU Pic to Britain after Brexit without disruption".

And Jean-Pierre Feytaerts, former head of the Belgian REACH helpdesk and a Brexit commentator, said that some Pic consignments might have to be postponed and in many cases "simply abandoned" due to the complexities of a no-deal Brexit.

"It is not clear if EU enterprises that will export substances subject to Pic from the 30th of March will be able to get prior consent in time," he said.

On 29 January, British MPs voted on amendments to prime minister Theresa May's EU withdrawal deal. The outcome means the likelihood of no-deal Brexit has diminished but still poses a threat.



Clelia Oziel

EMEA correspondent

### **Related Articles**

- [Checks on EU Pic compliance lead to prosecutions](#)
- [UK publishes no-deal Brexit CLP, Pic technical notices](#)
- [UK issues more no-deal Brexit guidance on CLP, Pic](#)

### **Parliament and Council of Ministers provisionally agree EU's third CMD revision**

30 January 2019 / Carcinogens & mutagens Directive, CMRs, Europe, Occupational hygiene

The European Council of Ministers and European Parliament have reached a provisional agreement on the third revision to the carcinogens and mutagens Directive (CMD).

The agreement was reached on 29 January and will now be submitted to the member state representatives in the Council for endorsement. A plenary of the Parliament will then vote on the final text.

When adopted, the amendment will reduce exposure levels for five carcinogenic substances. These are:

- cadmium;
- beryllium;
- arsenic acid;
- formaldehyde; and
- 4,4'-methylene-bis(2-chloroaniline)(MOCA).

The Romanian Presidency of the Council welcomed the agreement. "The directive, when adopted, will improve the working conditions for workers across the EU and prevent thousands of cases of ill-health at the workplace," said Marius-Constantin Budăi, Romanian minister of labour and social justice.

It also reiterated that the proposal commits the European Commission to assessing, no later than five years after the new CMD enters into force, whether it should add the combination of an airborne occupational exposure limit with a biological limit value for cadmium.

The lack of a wider range of monitoring techniques for the metal was a sticking point when the European Council of Ministers discussed the proposal in December.

Several ministers had asked to include the option of human biomonitoring as a measure for sampling exposure to cadmium.

At the same time, the Commission will assess "no later than the end of the second quarter 2020" whether to extend the scope of the CMD to include a list of hazardous drugs, including cytotoxic drugs, which are carcinogenic or mutagenic, the Council noted.

## **Related Articles**

- [European Council of Ministers backs third revision to CMD](#)

## **Further Information:**

- [Council press release](#)
- [Revision proposal](#)

## **Proposal to amend TSCA CDR rule goes to interagency review**

30 January 2019 / Data, TSCA, United States

The US EPA has submitted a proposal to revise the TSCA Chemical Data Reporting (CDR) rule to the White House's Office of Management and Budget (OMB) for review and approval.

According to the EPA's most recent regulatory agenda, the agency intends to revise the TSCA section 8 reporting rule's requirements before the next reporting period, which takes place in 2020.

Part of this process will be to amend the size standards for small manufacturers, which will have an impact on certain reporting requirements under the scheme. The EPA has previously acknowledged that the current definition, which has not been updated since 1988, is in need of revision.

More broadly, the EPA says it aims to address companies' feedback following the 2016 submission period and "better align with new statutory requirements" brought about by the Lautenberg Act.

The agency also has indicated that it may consider reporting requirements for inorganic byproducts as part of the process. Efforts to address reporting for these substances through a negotiated rulemaking process were abandoned in 2017.

The notice of proposed rulemaking (NPRM) was submitted to OMB on 29 January.

#### **Related Articles**

- [Increase in Snurs triggers CDR rule concerns](#)
- [US EPA seeks SME definition feedback](#)
- [Agency calls for rethink of TSCA small business definition](#)
- [Upcoming US EPA proposal likely to limit recycled inorganic byproducts reporting](#)
- [US EPA seeks input on recycled byproduct reporting rules](#)

#### **Further Information:**

- [OMB review](#)
- [CDR regulatory agenda](#)

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